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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Anti-blasphemy laws breed intolerance

The year 2014 was marked by an increase in attacks against freedom of expression and of information committed in the name of religions. Many journalists and bloggers have been attacked, imprisoned or killed simply for challenging dogmas through criticism, satire or drawings, or simply for being perceived as not following a religion's prescriptions.

The deaths of eight journalists and media workers of *Charlie Hebdo*, in January, 2014, by fanatics because of a cartoon is one of the most recent example of the growing tension between freedom of expression and religious beliefs.

Numerous States have tried to ban insults, criticism and derision directed at religions by adopting laws prohibiting blasphemy, abuse of the sacred, insulting the feelings of believers, defamation of religions. This legislative arsenal also serves as justification to restrict freedom of expression.

- **Protection of the faith as an alibi to silence criticism**

Far from ensuring the respect of religion, these laws most often serve to block all expression critical of the system in place or of those in power. Notions as vague as "holy," "the faith of believers," the "glory of religion" are used time and again as motives to condemn dissidents as well as members of minorities or of the political opposition.

In **Saudi Arabia,** Raif Badawi, founder of the liberal *Saudi Network* website and a recipient of the 2014 Reporters Without Borders Prize for Press Freedom, was sentenced on 5 November 23014 to 10 years in prison and 1,000 lashes. These were to be inflicted publicly at a rate of 50 lashes in 20 weekly sessions. The first session took place on Friday, 9 January 2015. Subsequent sessions were postponed *in extremis*. He had been arrested on 12 June 2012 for "insulting Islam" and for having criticized the religious police.

In **Iran,** on 17 January 2015, the major reformist daily newspaper *Mardom Emroz*, an independent and influential media voice, had its publication license suspended after publishing a photo of George Clooney holding a "Je suis aussi Charlie" sign. A charge of "insulting Islam" was filed against the editor in chief.

In **Pakistan,** an anti-cyber-crime bill being debated in Parliament would allow the government to block all online content if officials deem that necessary to, among other reasons, protect "*the glory of Islam.*". A blasphemy law in Pakistan already provides for sentences including the death penalty for any insult of the Prophet.

In **Russia,** journalists have been prosecuted for "inciting religious hatred" after denouncing the economic and social influence of senior figures of the Russian Orthodox Church who traditionally have close ties to the government.

In **Greece,** in January, 2014, an Athens court sentenced a blogger to a 10-month suspended sentence for "blasphemy" and "insulting religion." The blogger had parodied a well-known Greek Orthodox monk who has attracted devotees because he is said to have prophetic powers. The blogger had tried to explain to the judges that his only purpose was to combat dangerous fundamentalism and nationalism.

- **Blasphemy laws are ineffective to promote religious faith**

By banning all forms of criticism, these laws actually erode respect for and confidence in religious doctrines.
In a resolution on *"combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons on religion or belief."* the Human Rights Council stated in 2011 that *"the open public debate of ideas, as well as interfaith and intercultural dialogue (...) can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred."*
As the special rapporteurs on freedom of expression to the UN, the OAS, the OSCE and the ACHPR stated in a joint declaration in 2012: *"Limitations on freedom of expression to protect religions (...) are often used to prevent legitimate*

criticism of powerful religious leaders and to suppress the views of religious minorities, dissenting believers and non-believers, and are applied in a discriminatory fashion."

- **Anti-blasphemy laws are incompatible with international standards**

The Human Rights Committee noted in its General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights, that the provision *"requires States parties to guarantee the right to freedom of expression (...) This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, subject to the provisions in article 19, paragraph 3. It includes [inter alia] religious discourse, [and] embraces even expression that may be regarded as deeply offensive."* As a consequence, repression of the free expression of opinions on the grounds of offence to religious values is incompatible with the provisions of the Covenant.

In the final analysis, blasphemy laws lead to major "collateral damage" to freedom of expression by institutionalizing arbitrary boundaries on the free flow of information, ideas and opinion. Journalistic self-censorship, the rise of "taboo subjects" and the absence of criticism does much more to breed intolerance than to enhance respect of religious beliefs.

- **A reminder of the current international legal framework**

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), frames the scope and limits of freedom of expression and a well as religious beliefs.

Paragraph 3 of Article 19 of the International Covenant provides that *"The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
(a) For respect of the rights or reputations of others;
(b) For the protection of national security or of public order, or of public health or morals."

Other limitations to freedom of expression include open incitements, spoken or written, to hatred, to violence and discrimination against a community or an individual, or that pose a threat to personal privacy. General Comment 34 offers interpretation guidelines.

The article, and indeed the entire human rights framework, provides for the protection of individual rights and it is noteworthy to emphasize that it doesn't provide for the protection of religions.

RECOMMENDATIONS

To the Human Rights Council:

- Reaffirm the principles relative to freedom of expression, notably the obligation of States parties to guarantee the right to seek, receive and impart information of all kinds without regards for borders, including ideas, opinions and religious discourse that could be perceived as offensive in accordance with paragraph 3 of Article 19 of the ICCPR.
- Reaffirm that the only restrictions to freedom of expression are those specified in international law, notably by Article 19 of the International Covenant on Civil and Political Rights;
- Oppose any attempt to expand these restrictions in the name of respect for religions or religious beliefs.
- Affirm that only freedom of expression guarantees intercultural and inter-religious dialogue.

To the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

- Systematically devote one section of reports to the Human Rights Council to the subject of "freedom of expression and religions;"
- Collaborate with the Special Rapporteur on the Freedom of Religion or Belief to reaffirm that restrictions on freedom of expression must be limited to the protection of individual rights and fundamental freedoms and never serve to protect institutions or abstract ideas, concepts or beliefs, including those of a religious nature.

To the Member States:

- Review national legislation to repeal blasphemy laws and statutes.
- Affirm that freedom of opinion, of expression and of information are the conditions for development of open societies.